APPENDIX

Sections 3, 19, 20(a), 15 and 24, Immigration Act of 1924 (8. U. S. C., Secs. 203, 166, 167, 215, 222):

"SEC. 3. When used in this act the term 'immigrant' means any alien departing from any place outside the United States destined for the United States, except * * * (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, * * *."

Note. This section specifies five other classes of aliens who are not deemed immigrants.

"SEC. 19. No alien seaman excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Secretary of Labor may prescribe for the ultimate departure, removal, or deportation of such alien from the United States."

"SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman (which inspection in all cases shall include a personal physical examination by the medical examiners), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by

such immigration officer or the Secretary of Labor to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs."

"SEC. 15. The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), (5), or (6) of section 3, or declared to be a non-quota immigrant by subdivision (e) of section 4, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clause (2), (3), (4), or (6) of section 3, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States."

"SEC. 24. The Commissioner General, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this act; but all such rules and regulations, in so far as they relate to the administration of this act by consular officers, shall be prescribed by the Secretary of State on the recommendation of the Secretary of Labor."

EXCERPTS FROM EXECUTIVE ORDER 8429.

Documents Required of Bona Fide Alien Seamen Entering in the United States.

"By virtue of and pursuant to the authority vested in me by the act of May 22, 1918, 40 Stat. 559, as extended by the Act of March 2, 1921, 41 Stat. 1205, 1217, I hereby prescribe the following regulations governing the entry of alien seamen into the United States:

Part I.

Not pertinent.

Part II.

* * * * * *

An alien seaman who is not exempt from the passport and visa requirements under Part I hereof shall be required to present an identifying travel document in the nature of a passport, showing his nationality and identity and bearing his fingerprints, before he may be granted shore leave for any purpose. The travel document shall be surrendered to the immigration authorities by each seaman at the time of landing and returned to him, upon personal application, at the time of departure.

As used in this order, the term "United States" shall include the territories of Alaska and Hawaii, the District of Columbia, Puerto Rico and the Virgin Islands.

The Secretary of State and the department head charged with the administration of the immigration laws are hereby authorized to make such additional rules and regulations, not inconsistent with this order, as may be deemed necessary for carrying out the provisions of this order and the statutes mentioned therein.

This order shall take effect immediately and shall supersede and cancel Executive Order No. 7797[1] of January 26, 1938, entitled "Documents Required of Bona Fide Alien Seamen Entering the United States".

FRANKLIN D. ROOSEVELT.

The White House,
June 5, 1940.

[No. 8429]

[F. R. Doc. 40-2263; Filed, June 6, 1940; 10:25 a.m.]

ACT OF MAY 22, 1918. PERTINENT SECTIONS.

"§223. *War-time restrictions generally.* When the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this section, and the three following, be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful —

"(a) for any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe;

"(b) For any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this section and the three following; * * *"

[1] 3 F. R. 216.

"§225. *Penalty for violation of war-time restriction.* Any person who shall willfully violate any of the provisions of the two preceding sections, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than twenty years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States. (May 22, 1918, c. 81, §3, 40 Stat. 559.)"

ACT OF MARCH 2, 1921.

"227. *Regulations as to alien passport requirements continued.* The provisions of the Act approved May 22, 1918, being the four preceding sections, shall, in so far as they relate to requiring passports and visas from aliens seeking to come to the United States, continue in force and effect until otherwise provided by law. (Mar. 2, 1921, c. 113, §1, 41 Stat. 1217.)"

EXCERPTS FROM RULE 7, IMMIGRATION RULES AND REGULATIONS REVISED TO DECEMBER 31, 1936.

SUBDIVISION A.

"PARAGRAPH 1. The term "alien seaman" shall include every alien signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place. Only such aliens who come within this definition shall be treated in the special manner herein specified.

PAR. 2. As used in subdivision 5 of section 3 of the Immigration Act of 1924, the term "bona fide alien seaman" means any alien who in good faith is signed on the articles of a vessel arriving at a port of the United States from any place outside thereof, employed in any capacity on board such vessel, and seeking to enter the United States temporarily solely in the pursuit of his calling as a seaman, with the intention of departing with the vessel or reshipping on board any other vessel for any foreign port or place.

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SUBDIVISION E.

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PAR. 6. An alien seeking to enter the United States pursuant to the provisions of subdivision (5) of section 3 of the Immigration Act of 1924 shall establish to the satisfaction of the proper immigration official at the port of arrival (1) that he is a bona fide seaman; (2) that his name appears on the duly visaed crew list of the vessel on which he arrives; (3) that he is an employee of such vessel and in good faith signed on her articles; (4) that he seeks to enter solely on business of such vessel, or that he seeks to enter solely in pursuit of his calling as a seaman; and (5) that he has no intention to abandon such calling; and where such immigration official is not so satisfied he shall order the owner, charterer, agent, consignee, or master of the vessel on which such alien arrives to detain such alien on board and deport him in the manner required by law: *Provided,* That an alien seaman whose name is not included on a visaed crew list may be allowed to land, if otherwise entitled to land, upon the permission of the Secretary of State.

SUBDIVISION H.

PAR. 2. Where, for any cause, the immigration official in charge of any port of arrival finds that any alien employed on board any vessel arriving in the United States from any place outside thereof should be detained on such

vessel or deported, he shall forthwith serve or cause to be served on the owner, charterer, agent, consignee, or master of such vessel a notice in writing to detain or deport such alien, which notice shall set forth the full name of such alien, and in such case an officer of the Immigration shall be detailed to verify the departure of such alien."

EXCERPT FROM SECTION 15, IMMIGRATION ACT OF 1917, 8 U. S. C. 151.

SEC. 15. "That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, * * *".

EXCERPT FROM SECTION 16, IMMIGRATION ACT OF 1917, 8 U. S. C. 152.

"SEC. 16. * * * Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. * * *"